

REMARKS

Claims 1-20 are pending in the above-identified application.

Traversal of Restriction and Election Requirements

Applicants respectfully maintain a traversal of the Restriction and Election Requirements. The Office Action of January 27, 2006 indicates at page 2 in paragraph (1) that "...neither of formulas (8) or (9) fall within the generic scope of the structural units of formula (2). The alkoxy-substituted carbon forming the alicyclic ring in formula (2) has no other substitution other than the alkoxy group [wherein R¹ in formula (1) of claim 6 is a hydrogen]."

The above-noted assertion stated in the Office Action is based on a misinterpretation of the present claims. First, it is submitted that the present specification, as well as the language used in the present claims, clearly distinguishes between an alicyclic hydrocarbon "skeleton" and a "structural unit". Note that the first full paragraph at page 43 of the present specification defines the term "skeleton" so as to allow for additional substituents. Further, it is clearly pointed out at the bottom of page 47 of the specification that formulas (8) and (9) are "structural units which have an alicyclic hydrocarbon skeleton of the formula (1)". Thus, the presence of the trifluoromethyl group in the structural units of formulas (8) and (9) does not exclude these structural units from the generic scope of the skeleton of formulas (1) or (2).

Applicants maintain a traversal against the outstanding Restriction and Election Requirements for the additional reasons noted at pages 2-3 of the Reply filed November 7, 2005, which reasons are deemed repeated herein.

Issues under 35 USC 112

Claims 1-11, 13 and 20 have been rejected under 35 USC 112, second paragraph, as allegedly being indefinite. Specifically, the optional substitution of the methylene groups in the divalent acyclic hydrocarbon has been objected to as allegedly being confusing. Thus, claims 1

and 2 have been amended so as to clarify the language thereon such that it is clear that the methylene groups in the divalent acyclic hydrocarbon are "optionally substituted". Consequently, it is submitted that this aspect of the present claims satisfies all applicable definiteness requirements such that the above-noted rejection should be withdrawn.

Claim 8-11 have been objected to because the formulas (3)-(5) allegedly do not have an appropriate antecedent basis in claim 7, from which claims 8-11 all ultimately depend. In response to this rejection, it is submitted for the reasons indicated above in connection with the Restriction and Election Requirements traversal that claims 8-11 indeed do find an appropriate antecedent basis in claim 7. That is, the "skeleton" of formula (2) recited in claim 7 allows for the optional substitution of a group, such as a -CF₃ group as in formula (4), such that there is no inconsistency or indefiniteness basis. Thus, it is requested that the above-noted rejection be withdrawn with respect to this antecedent basis issue.

It is submitted for the reasons above that the present claims define patentable subject matter such that this application should now be placed in condition for allowance.

If any questions arise in the above matters, please contact Applicant's representative, Andrew D. Meikle (Reg. No. 32,868), in the Washington Metropolitan Area at the phone number listed below.

Application No. 10/667,456
Amendment dated April 27, 2006
Reply to Office Action of January 27, 2006

Docket No.: 2185-0708P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: April 27, 2006

Respectfully submitted,



By  #42,874

Andrew D. Meikle

Registration No.: 32,868

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant